REMARKS

The above Office action and references cited therein have been carefully studied with respect to the instant application for patent. The Examiner's consideration and approval of Applicant's preliminary amendment and information disclosure statements is noted with appreciation. In light of the above amendments and remarks set forth herein, it is believed that the instant application is now in proper condition for allowance, and early reconsideration and allowance thereof is respectfully requested.

CLAIM OBJECTIONS

In the above Office action, claim 18 was objected to in that the wording "orientation or..." should read "orientation of..." The Examiner's interpretation of this claim is correct; therefore, claim 18 has been amended accordingly. Since it is believed that such objection has now been obviated, withdrawal thereof is respectfully requested.

CLAIM REJECTIONS

In the above Office action, each of the claims of the instant application stand rejected based upon U.S Patent No. 5,581,930, issued to Langer, applied either alone or in combination with various additional prior art references, and/or in furtherance of the Examiner's alleged Official Notice taken with respect to certain elements claimed by the Applicant. For reasons as set forth in detail hereafter, and in view of the foregoing amendments to the claims of the instant application, Applicant respectfully traverses each of the rejections set forth in the above office action, as well as the Official Notices taken by the Examiner therein.

Claim Rejections - 35 U.S.C. §102(b)

Claims 1, 2, 8-13, 16, 19, 20, and 23-28 of the instant application have been rejected under 35 U.S.C. §102(b) as being allegedly anticipated by the disclosure in Langer, U.S. Patent No.

5,581,930. It is alleged that the Langer patent teaches a remote viewing apparatus with relative directional indication, including an image capture device, an image display device, and a relative directional indicator configured as claimed in the present application. More specifically, and in particular reference to independent claims 1, 11 an 20, respectively, it is alleged that the Langer patent teaches a "relative direction indicator" which: (1) is communicatively associated with said image capture device and said image display device for indicating a directional orientation of said image capture device relative to a directional orientation of said image display device (claim 1); (2) is communicatively associated with said image capture device for indicating a viewing direction of said image capture device relative to a known movable directional orientation (claim 11); and (3) is communicatively associated with first and second compasses for determining and indicating the relative directional difference between the respective headings of such compasses (claim 20). For the following reasons, the Applicant respectfully traverses the above rejection under Section 102.

The Langer Reference (US #5,581,930)

The Langer patent discloses an apparatus for detecting the presence of a fish or other underwater conditions or objects, which includes a fishing lure attached to fishing line, and a sensor assembly that is physically coupled thereto. The sensor assembly may include one or more sensing devices for measuring and sensing underwater conditions proximate the fishing lure. The sensor assembly may be separate from or incorporated as a part of the fishing lure, but in either case is always **physically connected** to the fishing rod, line and lure for sensing conditions relative thereto.

In reference to Fig. 4 of the Langer patent, it is disclosed that a sensor in the form of a camera may be incorporated into the lure, and under Col. 6, lines 42-46, it is stated that the lure may also include an internal compass to enable the lure to determine the direction in which it is pointed. Significantly, this brief discussion does not say that such compass is to be used for determining the

"***relative***" direction or ***orientation*** of the lure with respect to the orientation of another object. Rather, it speaks only of the use of such compass in a normal conventional manner.

In the following paragraph (Col. 6, lines 47-55), the Langer patent adds that a second compass may be provided in the above-water portion of the system to correlate with the lure compass. However, it states only that the second compass may be utilized "*to provide the relative* ***position*** *of the lure with respect to the boat or angler location."(emphasis added)* – **not ORIENTATION**. Here again, the Langer patent fails to disclose a "relative directional indicator" that functions to determine the ***orientation*** of one object relative to the ***orientation*** of another.

Thus, while the lure compass may provide an "absolute" reading of the direction it is pointing, the second above-water compass only provides information of the relative "**position**" of the lure in relation to the boat (i.e., the lure is positioned SW of the boat). Nothing suggests that one compass heading should be subtracted from the other so as to provide the relative "**orientation**" of the lure based on the "**orientation**" of the boat, or vice versa.

"**Position**" is not synonymous with "**orientation.**" The word "**position,**" as most appropriately defined in Webster Third New International Dictionary, means "*the point or area in space actually occupied by a physical object or into which it is placed.*" By contrast, the word "**orientation**" is derived from the word "orient" and simply means the direction in which something is pointed, such as east. The point in space occupied by an object says nothing as to the direction it is pointing. A simple analogy may be helpful. A person may be "**positioned**" in a swivel chair due east "**relative**" to another person, but this does not determine the "**orientation**" or direction that person is facing "**relative**" to the other. Without changing one's relative position, simply pivoting the swivel chair will cause a change in the person's relative orientation.

The Langer patent is silent as to "relative orientation" or "relative direction." It speaks only of determining the "relative position," and makes no mention of subtracting one compass heading from another. This makes sense, given the application (fishing) for which the compasses are used in the Langer patent. While one may wish to know the "position" of their lure relative to their boat or angler location, a fisherman generally would have no concern as to which "direction" his/her lure is facing relative to the boat or angler location. While one could use the heading information provided by Langer to ultimately determine the relative "orientation" of the lure to the boat or angler "orientation" (not location), this is not suggested or taught by the Langer patent. It is respectfully submitted that the only way in which one could possibly deduce this from the Langer patent is through hindsight after first reviewing the Applicant's invention herein.

The Langer Patent Does Not Meet the Requirements for Anticipation Under 35 U.S.C. §102(b)

Anticipation under 35 U.S.C. §102(b) "requires that each and every limitation of a claimed invention be disclosed in a single prior art reference." In re Paulsen, 30 F.3d 1475, 1478-79, 31 U.S.P.Q. 2d 1671, 1673 (Fed. Cir. 1994), citing In re Spada, 911 F.2d 705, 708, 15 USPQ2d 1655, 1657 (Fed. Cir. 1990). In addition, the reference must be ***enabling*** and describe the applicant's claimed invention sufficiently to have placed it in possession of a person of ordinary skill in the field of the invention (emphasis added). Id. "The mere fact that a certain thing ***may result*** from a given set of circumstances is insufficient to prove anticipation." Electro Medical Systems S.A. v. Cooper Life Sciences, Inc., 34 F.3d 1048, 1052 (Fed. Cir. 1994), citing Continental Can Co. v. Monsanto Co., 948 F.2d 1264, 1268-69 (Fed. Cir. 1991). It is respectfully submitted that the Langer Patent fails to anticipate the Applicant's claimed invention under the above well established standards.

Under claim 1, subparagraph (c) of the instant application, as amended, a relative directional indicator is required which indicates the directional viewing orientation of an image capture device relative to a directional orientation of an image display device. Similarly, under claim 11,

subparagraph (c), a relative directional indicator is required to indicate the viewing direction of an image capture device relative to a known movable directional orientation. Finally, in claim 20, subparagraph (c), a relative directional indicator is required to indicate the relative directional difference between the respective headings of the compasses carried by the image capture device and image display device. In each claim, the relative directional indicator is to provide information of relative directional "orientation" or "direction", NOT "position," as discussed in the Langer patent. Relative position is not the same as relative orientation or direction, and the Langer patent never mentions or suggests in any way that the compass headings could or should be subtracted to provide information of orientation of the lure/camera relative to the orientation of the boat.

Nor is it sufficient that, by subtracting the respective headings of the compasses in the lure and above-water system in Langer, information of relative directional orientation *could* be obtained, or ***may result***, as there is no suggestion or teaching in the Langer patent to do so. Electro Medical Systems, at 1052. Any suggestion of doing so comes strictly and only from the Applicant's disclosure itself, which could only result from the impermissible use of hindsight after first considering the Applicant's invention.

Not only does Langer fail to disclose a relative ***directional*** indicator, the relative ***position*** indicator that is allegedly disclosed is not "enabling," as is clearly required of a Section 102 reference. Of the ten page Langer specification, comprising twenty (20) columns of text, only six (6) lines are dedicated to a discussion of the use of compasses to determine "***relative position***." Nowhere in Langer is it ever suggested to calculate the difference between the compass headings, nor is there any discussion on how one would use such data to determine the "relative position" of the lure to the boat. Langer suggests that it is capable of correlating the lure compass with the above-water compass to provide such information of "relative position," but nowhere does it explain how

this is to be accomplished. It is respectfully submitted that this is not within the ordinary skill of the art without the benefit of a more enabling disclosure. Therefore, to the extent that Langer incidentally discloses anything with respect to the use of a pair of compasses, whether in regards to determining "relative position," or otherwise, such disclosure is clearly non-enabling and inappropriate for use as a Section 102 reference. In re Paulsen, at 1479.

Further distinguishing the present invention from the device in Langer is the fact that the lure and/or sensor device in Langer is always shown physically connected to an associated fishing line and rod, as it is essential for the sensing system therein to be capable of sensing and measuring conditions relative thereto. This is disadvantageous, however, in that the useful operation of any camera incorporated into the sensing device of Langer will undoubtedly be significantly disrupted upon any strike of the lure by a fish. Moreover, such an arrangement creates a significant risk of loss of expensive sensing equipment, in the event a fish breaks the fishing line or becomes entangled in the weeds, making it necessary to cut the line. For this reason, each of the independent claims 1, 11 and 20 of the instant application have been further amended to specify that the image capture device is either devoid of connection from and constructed for independent operation relative to any fishing line (claim 1), or alternatively, is physically connected ***only*** to said image display device through a conductive line extending therebetween (claims 11 and 20). As this element is neither shown nor taught by the Langer patent, for this additional reason, Langer cannot properly form the basis of a Section 102 rejection.

In addition to the above, independent claims 1 and 20 have been further amended to require an indicator of the directional ***viewing*** orientation of an image capture device relative to a directional orientation of an image display device. As the Langer patent fails to disclose or suggest any means of indicating relative "directional" orientation, it follows as well that it fails to teach an indicator of the relative ***viewing*** orientation of the image capture device relative to the orientation of the image

display device. Notably, dependant claims 2 and 22, both of which included this limitation, have been cancelled to avoid redundancy.

Also, it is noted that independent claim 20 has been further amended to require the relative directional indicator to include a peripherally movable graphical pointer with a contrasting background for indicating the viewing direction of the image capture device relative to a known directional orientation of the image display device. As this is disclosed nowhere in the Langer patent, or any other cited prior reference, such amendment further obviates any potential rejection based on Section 102.

For all of the forgoing reasons, it is respectfully submitted that the above rejection based on 35 U.S.C. §102 is unwarranted and/or has been obviated by the amendments made to independent claims 1, 11 and 20. As noted above, claim 2 has been cancelled. Since the remaining claims 8-10, 12-13, 16, 19, and 23-28 that were rejected under Section 102 all depend from claims 1, 11 or 20, the above discussion with respect thereto is equally applicable to such dependant claims and believed to obviate the rejection thereof under Section 102. Therefore, withdrawal of the above rejection of all of such remaining claims 1, 8-13, 16, 19, 20, and 23-28 based on the Langer patent is respectfully requested.

Claim Rejections - 35 U.S.C. §103

In the above Office action, claims 3 and 14 of the instant application have been rejected under 35 U.S.C. §103 on the basis of alleged obviousness over the Langer patent in view of Barbour (US #4,855,820). Once again, it has been alleged that the Langer patent discloses a remote viewing apparatus with relative "*directional*" indication, including an image capture device, an image display device, and a relative "*directional*" indicator configured as claimed in the present application. Although it is acknowledged that Langer fails to teach the overlay of a graphical representation of such directional orientation within the imagery data being displayed on the image display device, it is

alleged that Barbour teaches this feature. For the following reasons, the Examiner's holding in this respect is respectfully controverted.

It is well established that in order to reach a proper conclusion under Section 103, "the decisionmaker must step backward in time and into the shoes worn by that 'person' when the invention was unknown and just before it was made." Panduit Corp. v. Dennison Mfg. Co., 810 F.2d 1561, 1566 (Fed. Cir.), cert. denied, 481 U.S. 1052 (1987). The Federal Circuit has consistently held that prior art references, when combined, must teach or suggest all claim limitations, and that such teaching or suggestion, accompanied by a reasonable expectation of success, must be found in the prior art and not be based on the applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). The Federal circuit has also held:

> It is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the prior art so that the claimed invention is rendered obvious. This court has previously stated that "[o]ne cannot use hindsight reconstruction to pick and choose among disclosures in the prior art to deprecate the claimed invention."

In Re Fritch, 972 F.2d at 1266.

The above rejection based on Section 103 is respectfully traversed on the ground that the Langer patent does not teach or suggest a "*relative directional indicator*" as claimed in the instant application, and the Barbour reference fails to disclose or suggest the aforementioned deficiencies of the Langer patent so as to motivate one skilled in the art to make the required modifications to meet the claims. For reasons as fully set forth in our previous discussion of the Langer patent in connection with the Examiner's stated rejection under Section 102(b), which are incorporated herein by reference thereto, it is clear that the only possible manner in which Langer could be interpreted of teaching or suggesting an indicator of "relative direction" or "relative orientation" is through the impermissible use of hindsight reconstruction after first considering the applicant's invention.

The "***relative position***" of one object to another is not the same as the "***relative orientation***" of one object to the "***orientation***" of another object. Langer makes no mention of "relative orientation," or of calculating the differences of compass headings and converting such information to a graphical representation of relative orientation. Barbour adds nothing to this. Barbour only teaches the use of a display indicator 66 for identifying true North on the display, not the relative direction of anything. Thus, Barbour provides no added teaching or motivation to cure the deficiencies of Langer and provide the needed teaching to meet this claim limitation. As stated previously, the suggestion of such a modification to Langer to meet this limitation of the claims can only be the result of hindsight gleaned from the Applicant's invention itself. This is clearly impermissible under the well established standards for combining references, and therefore withdrawal of the above rejection of claims 3 and 14 based on Section 103 is believed to be warranted and is most respectfully requested.

In the above Office action, claim 15 of the instant application was also rejected under 35 U.S.C. §103 on the same basis as claims 3 and 14, for alleged obviousness over the Langer patent in view of the Barbour reference, and in further view of the Examiner's alleged Official Notice. It was again alleged that the Langer patent discloses a remote viewing apparatus with relative "*directional*" indication, including an image capture device, an image display device, and a relative "*directional*" indicator configured as claimed in the present application. It was further alleged that Barbour taught a peripherally disposed indicator that is rotatable about the perimeter of the image display device, and that use of arrows to indicate direction was a well known navigational and orienteering concept that was subject to Official Notice. For the following reasons, the Examiner's holding in this respect is respectfully controverted.

In the first instance, each of the arguments presented with respect to the rejection of claims 3 and 14 are equally applicable to the standing rejection of claim 15, and are fully incorporated herein. Langer does not teach or suggest a "*relative directional indicator*" as claimed in the instant

application, and neither Barbour nor the Examiner's Official Notice of the use of arrows to show direction provides any additional teaching or motivation to cure the deficiencies of the Langer patent so as to meet the required elements of the subject claims. Absent the impermissible use of hindsight, using the disclosure of the Applicant's own invention, there is clearly no suggestion or teaching in the cited prior art which would motivate one skilled in the art to do what the Applicant has done.

Further with respect to claim 15, while the use of arrows in general to indicate direction may be well known, to generate a graphical display of an arrow which is movable about the ***periphery*** of a display screen for indicating relative directional orientation of an image capture device relative to a known orientation of the display device is not taught or suggested in the cited prior art. Contrary to the assertions of the Examiner, Barbour does not teach a "*peripherally*" disposed indicator that is rotatable about the "*perimeter*" of said image display device. As clearly shown in Barbour, the indicator 66, which only indicates true North, is, at best, disposed ***intermediate*** on the display, and is always disposed in a conflicting position relative to the display image. This is the very antithesis of what is claimed in claim 15 of the instant application, and it is well established that there can be no motivation or suggestion to combine when the prior art in fact teaches away from any given combination. In re Haruna, 249 F.3d 1327, 58 USPQ2d 1517 (Fed. Cir. 2001).

For all of the forgoing reasons, it is believed to be clear that the rejection of claim 15 under Section 103 is also improper, and withdrawal thereof is therefore respectfully requested.

In the above Office action, claims 4 and 22 (now cancelled) of the instant application were also rejected under 35 U.S.C. §103 for alleged obviousness over the Langer patent in further view of the Examiner's alleged Official Notice taken regarding determining a relative direction by determination of the differences between two given directions, using one as an established reference direction. Once again, it was alleged that the Langer patent discloses a remote viewing apparatus with relative "*directional*" indication, including an image capture device, an image display device,

and a relative "*directional*" indicator configured as claimed in the present application. Taking Official Notice, it was further alleged that it would be obvious to one of ordinary skill in the art at the time of the invention to establish a relative direction by determination of the differences between two directions, as a way to determine an association between given directions. For the following reasons, the Examiner's holding in this respect, as well as the Examiner's Official Notice, is respectfully traversed.

Applicant's previous arguments tendered with respect to the deficiencies of the Langer patent are equally applicable to the rejection of claim 4, and are expressly incorporated herein by reference thereto. Langer does not teach or in any way suggest a "relative *direction* indicator." Langer makes no mention or suggestion of calculating the difference of two compasses for the purpose of determining the relative directional orientation of an image capture device relative to the orientation of an image display device. In Langer, a first compass is said to be included as a part of a lure to "*determine the direction in which it is pointing*" (Langer, Col. 6, lines 44-45), much the same as any conventional compass. A second compass, which may be included in the above-water system, is provided ***only*** for purposes of determining "*the **relative position** of the lure with respect to the boat or angler location.*" (Langer, Col. 6, Lines 47-50). As previously shown, the "relative position" of one object to another is not the same as the "relative orientation" or "relative direction" of one object to the specific *orientation* of another object, and one concept does not suggest the other. The only manner in which this could possibly happen is through hindsight reconstruction after considering the Applicant's own invention, which is clearly improper in a Section 103 analysis.

As to the Examiner's Official Notice taken regarding determining a ***relative direction*** by determination of the differences between two given directions, using one as an established reference direction, it is noted that such Official Notice, when unsupported by documentary evidence, is to be taken only in limited instances "*where the facts asserted to be well-known, or to be common*

knowledge in the art are capable of instant and unquestionable demonstration as being well-known." MPEP §2144.03(A). The appropriateness of the Examiner's Official Notice is challenged on the ground that it is believed to be readily demonstrable that the concept of determining the ***relative directional orientation*** of one object to the ***orientation*** of another is the very antithesis of what is common knowledge and well known in the field of "navigation", and is not a common mathematical concept.

"Relative directional orientation," as used in the present application, refers to the orientation of one remote object ***relative to*** the orientation of a second object. It is respectfully submitted that this is not a typical or common navigational or mathematical concept or analysis, and in fact is substantially atypical from the norm. When navigating from a point A to a point B, one typically utilizes a single compass and takes a reading of the "magnetic" or "absolute" heading of point B and attempts to follow a path to reach point B. An adjustment may be made in reference to true North so as to navigate to a desired position, but at no time are the respective headings of two (2) compasses (neither of which may be true North) simultaneously referenced and subtracted for the purpose of determining the relative difference therebetween.

The Applicant herein has combed through numerous navigation and orienteering texts in search of the use of such principles, and while numerous references discuss normal navigational techniques utilizing a single compass, none discuss simultaneously referencing two (2) separate compass headings and subtracting the same for the purpose of determining the ***direction one remote object is facing relative to the orientation of another***. If determining "relative directional orientation," is so commonplace, why is it that it has never been done before, and no prior art teaches such a concept? Rather, the only prior art which even suggests the use of two compasses (Langer) does not suggest subtracting the respective headings to determine "***relative orientation***," and all other cited references just teach conventional methods of determining direction using a single compass.

Once again, it is respectfully submitted that the only way anyone could come to such a conclusion from the prior art cited herein is through the use hindsight reconstruction after first considering the Applicant's own invention, which is clearly improper in a Section 103 analysis. Therefore, if the Examiner is inclined to maintain such Official Notice, it is only proper and fair that documentary evidence establishing such alleged facts be presented for the consideration of the Applicant.

In the above Office action, claims 5, 7, 17, and 21 of the instant application were rejected under 35 U.S.C. §103 on the basis of alleged obviousness over the Langer patent in view of Gygax et al. (US #4,482,255). Once again, it was alleged that the Langer patent discloses a remote viewing apparatus with relative "*directional*" indication, including an image capture device, an image display device, and a relative "*directional*" indicator configured as claimed in the present application. Although it was acknowledged that Langer fails to teach a relative direction indicator that includes an electronic compass module on each of said image capture device and said image display device, it is alleged that Gygax teaches this feature. For the following reasons, the Examiner's holding in this respect is respectfully controverted.

Since the above rejection also relies principally on the Langer patent, Applicant's previous arguments tendered with respect to the deficiencies of the Langer patent are equally applicable to the present rejection of claims 5, 7, 17, and 21, and are expressly incorporated herein by reference thereto. As stated previously, Langer does <u>not</u> teach or in any way suggest a "relative *direction* indicator." The "***relative position***" of one object to another is not the same as the "***relative orientation***" of one object to the "***orientation***" of another object. Langer makes no mention of "relative orientation," or of calculating the differences of compass headings and converting such information to a graphical representation of relative orientation. Gygax adds nothing to this. While Gygax may teach the use of an electronic compass module, its use is in a wristwatch has no relation to remote viewing, and there is no need to determine "*relative directional orientation.*" Thus, no

differently than the Barbour reference, the watch display in Gygax only indicates the direction one needs to go to face true North. Thus, Gygax provides no added incentive or motivation to cure the deficiencies of Langer, and a modification to Langer based on Gygax to meet this limitation of the claims can only be the result of hindsight gleaned from the Applicant's invention itself. As stated previously, this is clearly impermissible under the well established standards for combining references, and therefore withdrawal of the above rejection of claims 5, 7, 17, and 21 based on Section 103 is respectfully requested.

In the above Office action, claim 6 of the instant application was also rejected under 35 U.S.C. §103 on the basis of alleged obviousness over the Langer patent in view of Gygax et al., and in further view of the Barbour patent and the Examiner's alleged Official Notice regarding determining a relative direction by determination of the differences between two given directions, using one as an established reference direction. Once again, it was alleged that the Langer patent discloses a remote viewing apparatus with relative "*directional*" indication, including an image capture device, an image display device, and a relative "*directional*" indicator configured as claimed in the present application. As in previous rejections, Gygax is cited to teach the use of electronic compass modules and Barbour is cited to teach the use of a graphical display indicator for direction. For the following reasons, the Examiner's holding in this respect, as well as the Examiner's Official Notice, is respectfully traversed.

As previously stated, each of the arguments presented with respect to the deficiencies of the Langer patent are equally applicable to the present rejection of claim 6, and are fully incorporated herein by reference thereto. Langer does not teach or suggest a "*relative directional indicator*" as claimed in the instant application, and neither Gygax, Barbour nor the Examiner's Official Notice regarding determining a relative direction by determination of the differences between two given directions, using one as an established reference direction, provides any additional teaching or

motivation to cure the deficiencies of the Langer patent so as to meet the required elements of the subject claim.

Absent the impermissible use of hindsight, using the disclosure of the Applicant's own invention, there is clearly no suggestion or teaching in the cited prior art which would motivate one skilled in the art to do what the Applicant has done. Moreover, for reasons as previously stated, it is respectfully submitted that it is inappropriate for the Examiner to take Official Notice regarding determining a relative direction by determination of the differences between two given directions, using one as an established reference direction. If the Examiner is inclined to maintain such Official Notice, it is only proper and fair that documentary evidence establishing such alleged facts be presented for the consideration of the Applicant.

For all of the forgoing reasons, it is believed to be clear that the rejection of claim 6 under Section 103 is also improper, and withdrawal thereof is respectfully requested.

In the above Office action, claim 18 of the instant application was also rejected under 35 U.S.C. §103 on the basis of alleged obviousness over the Langer patent in view of Gygax et al., and in further view of the Examiner's alleged Official Notice regarding determining a relative direction by determination of the differences between two given directions, using one as an established reference direction. Once again, it was alleged that the Langer patent discloses a remote viewing apparatus with relative "*directional*" indication, including an image capture device, an image display device, and a relative "*directional*" indicator configured as claimed in the present application. As in previous rejections, Gygax is cited to teach the use of electronic compass modules. For the following reasons, the Examiner's holding in this respect, as well as the Examiner's Official Notice, is respectfully traversed.

As in all prior rejections, each of the arguments previously presented with respect t to the deficiencies of the Langer patent are equally applicable to the present rejection of claim 18, and are

fully incorporated herein by reference thereto. Langer does not teach or suggest a "*relative directional indicator*" as claimed in the instant application, and neither Gygax nor the Examiner's Official Notice regarding determining a relative direction by determination of the differences between two given directions, using one as an established reference direction, provides any additional teaching or motivation to cure the deficiencies of the Langer patent so as to meet the required elements of the subject claim.

Absent the impermissible use of hindsight, using the disclosure of the Applicant's own invention, there is clearly no suggestion or teaching in the cited prior art which would motivate one skilled in the art to do what the Applicant has done. Moreover, for reasons as previously stated, it is respectfully submitted that it is inappropriate for the Examiner to take Official Notice regarding determining a relative direction by determination of the differences between two given directions, using one as an established reference direction. If the Examiner is inclined to maintain such Official Notice, it is only proper and fair that documentary evidence establishing such alleged facts be presented for the consideration of the Applicant.

For all of the forgoing reasons, it is believed to be clear that the rejection of claim 18 under Section 103 is also improper, and withdrawal thereof is respectfully requested.

Finally, in the above Office action, claim 29 of the instant application was also rejected under 35 U.S.C. §103 on the basis of alleged obviousness over the Langer patent in view of Parker et al. (US #5,782,033). As in all previous rejections, it was alleged that the Langer patent discloses a remote viewing apparatus with relative "*directional*" indication, including an image capture device, an image display device, and a relative "*directional*" indicator configured as claimed in the present application. Although it was acknowledged that Langer fails to teach means for displaying global positioning data, it was alleged that Parker teaches this feature. For the following reasons, the Examiner's holding in this respect is respectfully controverted.

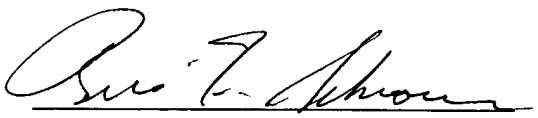
Once again, Applicant's previous arguments tendered with respect to the deficiencies of the Langer patent are equally applicable to the rejection of claim 29, and are expressly incorporated herein by reference thereto. It is reiterated that Langer does not teach or in any way suggest a "relative ***direction*** indicator." Langer makes no mention or suggestion of calculating the difference of two compasses for the purpose of determining the relative directional orientation of an image capture device relative to the orientation of an image display device. To make such a modification to Langer would require a *leap of faith* that is wholly unsupported by the teachings of any cited reference, including Parker.

In Langer, a first compass may be included as a part of a lure to "*determine the direction in which it is pointing.*" (Langer, Col. 6, lines 44-45). Thus, this compass is said to operate in the same manner as any other conventional compass would. The second compass in Langer, which is included in the above-water system, is expressly stated as being provided ***only*** for purposes of determining "*the **relative position** of the lure with respect to the boat or angler location.*" (Langer, Col. 6, Lines 47-50). As previously shown, the "***relative position***" of one object to another is not the same as the "***relative orientation***" or "***relative direction***" of one object relative to the specific ***orientation*** of another object, and one concept is not synonymous with, nor does it suggest, the other. It is respectfully submitted that the only way anyone could come to such a conclusion is through the use hindsight reconstruction after first considering the Applicant's own invention, which is clearly improper in a Section 103 analysis.

Each of the additional prior art references made of record in the above Office action have also been considered in relation to the instant application, and it is believed that none of those references, either standing alone or taken in combination with any other cited prior art reference, anticipate or render obvious the Applicant's claimed invention herein.

In light of the foregoing remarks and amendments presented herein, it is believed that the instant application is now in proper condition for allowance. Therefore, early reconsideration of the instant application and allowance thereof is most respectfully requested.

Respectfully submitted,



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